



THE SECRETARY OF THE TREASURY
WASHINGTON

DEC 18 1964

Through the Bureau of the Budget
Attorney General
Division of the
Federal Register

My dear Mr. President:

There is attached for your signature, if you approve, a draft of an Executive order entitled "Amending Regulations Relating to the Safeguarding of Vessels, Harbors, Ports, and Waterfront Facilities of the United States."

The proposed Executive order would provide a more effective means to insure the safety of vessels, harbors, ports, and waterfront facilities than is now provided by closing a gap in the present regulations which experience has indicated prevents a full measure of safety for these vessels and waterfront facilities.

Briefly, regulations now empower the Coast Guard to control the movement of vessels and to deny access to vessels and to certain shore-side facilities. However, there is no authority to prevent the entry of persons into water areas and areas contiguous to waterfront facilities. This lack of authority is particularly felt during the launching of nuclear submarines. Up until the present time, the Coast Guard has promulgated regulations on the basis that vessel movements were being controlled, and has been able to intercept unauthorized persons because these persons have gone into the prohibited areas aboard vessels. If these persons were to employ other means of entry such as swimming into the area or being lowered from aircraft, the power to intercept or prevent is open to question.

This amending Executive order adds the authority required to cope with the problem, and in addition, makes minor changes in other sections of the regulations resulting from the added authority so as to permit the application of existing procedures to the newly established security zones. The definition of the phrase "Captain of the Port" is also clarified to insure coverage of all waters.

The basic Executive order and this amending order are issued pursuant to the authority contained in the Act of June 15, 1917, as amended, 50 U.S.C. 191-194.

I believe that the proposed amendments are of vital concern to security interests of the United States and I recommend their adoption.

Faithfully yours,

G. d'Andelot Belin
G. d'Andelot Belin
Acting Secretary

The President,

The White House

EXECUTIVE ORDER

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AMENDING REGULATIONS RELATING TO THE SAFEGUARDING OF
VESSELS, HARBORS, PORTS, AND WATERFRONT FACILITIES OF
THE UNITED STATES

By virtue of the authority vested in me by the Act of August 9, 1950, 64 Stat. 427, which amended section 1 of title II of the Act of June 15, 1917, 40 Stat. 220 (50 U.S.C. 191), and as President of the United States, I hereby prescribe the following amendments of the regulations prescribed by Executive Order No. 10173 of October 18, 1950, as amended by Executive Order No. 10277 of August 1, 1951, and Executive Order No. 10352 of May 19, 1952, which regulations constitute Part 6, Subchapter A, Chapter 1, Title 33 of the Code of Federal Regulations:

1. Section 6.01-3 is amended to read as follows:

§6.01-3 Captain of the Port. "Captain of the Port" as used in this part, means the officer of the Coast Guard, under the command of a District Commander, so designated by the Commandant for the purpose of giving immediate direction to Coast Guard law enforcement activities within his assigned area. In addition, the District Commander shall be Captain of the Port with respect to remaining areas in his District not assigned to officers designated by the Commandant as Captain of the Port.

2. Section 6.01-4 is amended to read as follows:

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§6.01-4 Waterfront Facility. "Waterfront facility" as used in

this part, means all piers, wharves, docks, and similar structures to which vessels may be secured; areas of land, water, or land and water under and in immediate proximity to them; buildings on such structures or contiguous to them and equipment and materials on such structures or in such buildings.

3. A new section 6.01-5 is added to read as follows:

§6.01-5 Security zone. "Security zone" as used in this part, means all areas of land, water, or land and water, which are so designated by the Captain of the Port for such time as he deems necessary to prevent damage or injury to any vessel or waterfront facility, to safeguard ports, harbors, territories, or waters of the United States or to secure the observance of the rights and obligations of the United States.

4. Section 6.04-5 is amended to read as follows:

§6.04-5 Preventing access of persons, articles or things to vessels, waterfront facilities, or security zones. The Captain of the Port may prevent any person, article, or thing from boarding or being taken or placed on board any vessel or entering or being taken into or upon or placed in or upon any waterfront facility or entering or being taken into or upon or placed in any security zone whenever it appears to him that such action is necessary in order to secure such vessel from damage or injury or to prevent damage or injury to any vessel, or waterfront facility or waters of the United States, or to secure the observance of rights and obligations of the United States.

5. Section 6.04-7 is amended to read as follows:

§6.04-7 Visitation, search, and removal. The Captain of the

Port may cause to be inspected and searched at any time any vessel,

waterfront facility, or security zone, or any person, article, or thing thereon or therein, may place guards upon any such vessel, waterfront facility, or security zone and may remove therefrom any and all persons, articles, or things not specifically authorized by him to go or remain thereon or therein.

THE WHITE HOUSE